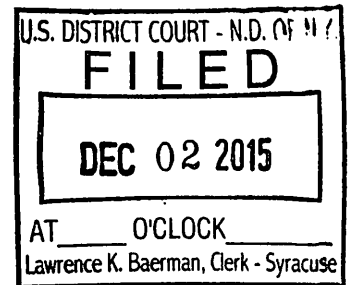


IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

<b>UNITED STATES OF AMERICA</b>	)	Criminal No.	5:15-CR-342 (KS)
	)		
<b>v.</b>	)	<b>Indictment</b>	
	)		
<b>RALPH DANIEL SMITH,</b>	)	Violation:	18 U.S.C. § 2251(a)
<b>aka "Dan Smithson,"</b>	)		[Sexual Exploitation of a
	)		Child]
	)		
	)	1 Count	
	)		
<b>Defendant.</b>	)	County of Offense:	Herkimer

**THE GRAND JURY CHARGES:**

**COUNT 1**  
**[Sexual Exploitation of a Child]**



From on or about November 26, 2013 to on or about November 27, 2013, in Herkimer County in the Northern District of New York, the defendant, **RALPH DANIEL SMITH, aka "Dan Smithson,"** did employ, use, persuade, induce, entice and coerce a minor under the age of eighteen, that is: V-1, a 14 year old female child, whose identity is known to the grand jury, to engage in sexually explicit conduct for the purpose of producing one or more visual depictions of such conduct, knowing and having reason to know that such visual depictions would be transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, and that the visual depictions were produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and that such visual depictions were actually transported and transmitted using any means or facility of interstate or foreign commerce and in and affecting interstate or foreign commerce, in violation of Title 18 United States Code, Section 2251(a).

### FORFEITURE ALLEGATION

The allegations contained in Count 1 of this Indictment are hereby realleged and incorporated by reference herein for the purposes of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 2253.

Pursuant to Title 18, United States Code, Section 2253, upon conviction of the charge alleged in Count 1, the defendant, **RALPH DANIEL SMITHSON, aka "Dan Smithson,"** shall forfeit to the United States of America:

a. Any visual depiction described in Title 18, United States Code, Section 2251 (incorporating the definition of child pornography in 18 U.S.C. §2256(8)), or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Title 18, United States Code, Chapter 110;

b. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offense, and

c. Any property, real or personal, used or intended to be used to commit or to promote the commission of the offense.

If any of the property described above, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party,
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853 (p), as incorporated by Title 18, United States Code, Section 2253(b) and by Title 28, United States Code, Section 2461(c).

Dated: December 2, 2015

A TRUE BILL, <sup>\*Name Redacted</sup>

  
Grand Jury Foreperson

RICHARD S. HARTUNIAN  
United States Attorney

By:



Lisa M. Fletcher  
Assistant United States Attorney  
Bar Roll No. 510187